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Proposed programme budget for the biennium 1998-1999*

Part III International justice and law

Section 5. International Court of Justice

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* The present document contains section 5 of the proposed programme budget for the biennium 1998-1999. The complete proposed programme budget will subsequently be issued in final printed form as *Official Records of the General Assembly, Fifty-second Session, Supplement No. 6* (A/52/6/Rev.1).

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Part III
International justice and law

Section 5
International Court of Justice

Overview

5.1 The International Court of Justice, which sits at The Hague in the Netherlands, is the principal judicial organ of the United Nations. It functions in accordance with its Statute, which forms an integral part of the Charter of the United Nations, and is composed of 15 judges elected by the General Assembly and the Security Council for a period of nine years.

5.2 The Court adjudicates in contentious cases referred to it by States and gives advisory opinions at the request of bodies so authorized by, or in accordance with, the Charter. The Court submits annual reports to the General Assembly. The most recent report is contained in document A/51/4.

5.3 The Registry, which is appointed by the Court in accordance with Article 21, paragraph 2, of its Statute, provides legal, diplomatic, administrative and other technical support for the Court. It is also responsible for the financial administration, accounting, archives and distribution services, and documents and library services.

5.4 Neither the activities of the Court nor those of its Registry are covered in the medium-term plan of the United Nations. The Court must, however, at all times, be able to exercise the functions entrusted to it if the terms and intent of the Charter are to be implemented. In order to make a proper assessment of the estimated requirements of the Court for the biennium 1998-1999, needs have to be measured against the background of the Court's workload, both current and foreseeable, for the biennium. At present, the Court is seized of nine cases. The workload shows no sign of being substantially reduced in coming years. For budgetary purposes, that number is augmented by the fact that in several of the cases the submission of preliminary objections will, if not upheld, inevitably result in two distinct and consecutive proceedings, each consisting of written and oral pleadings leading to a judgement. Past experience and contemporary developments in international relations make it prudent to assume that at least two new cases will be brought before the Court during the biennium. Similar forecasts of its case-load over five prior bienniums have proved correct. Moreover, the increase in cases has been notable, aside from the number, in diversity and complexity, as well.

5.5 Regulation 15.1 of article XV of the Financial Regulations and Rules of the United Nations provides that "the programme budget proposals of the International Court of Justice shall be prepared by the Court, in consultation with the Secretary-General. These programme budget proposals shall be submitted to the General Assembly by the Secretary-General, together with such observations as he may deem desirable".

5.6 The proposals submitted herewith follow consultations between the Court and the Secretary-General.

5.7 The estimated percentage distribution of the total resources to be provided to the Court in 1998-1999 would be as follows:

		Regular budget (percentage)
A.	Members of the Court	31.8
B.	The Registry	48.1
C.	Programme support	20.1
	Total	**100.0**

Table 5.1 Summary of requirements by component

(Thousands of United States dollars)

Component		*1994-1995 expenditures*	*1996-1997 appropriations*	*Resource growth*		*Total before recosting*	*Recosting*	*1998-1999 estimates*
				Amount	*Percentage*			
A.	Members of the Court	7 638.8	7 272.1	(296.1)	(4.0)	6 976.0	34.0	7 010.0
B.	The Registry	10 859.4	9 408.0	821.9	8.7	10 229.9	395.1	10 625.0
C.	Programme support	2 872.6	3 305.8	1 005.2	30.4	4 311.0	131.0	4 442.0
	Total	**21 370.8**	**19 985.9**	**1 531.0**	**7.6**	**21 516.9**	**560.1**	**22 077.0**

Table 5.2 Summary by object of expenditure

(Thousands of United States dollars)

Object of expenditure	*1994-1995 expenditures*	*1996-1997 appropriations*	*Resource growth*		*Total before recosting*	*Recosting*	*1998-1999 estimates*
			Amount	*Percentage*			
Posts	8 589.2	8 090.2	112.9	1.3	8 203.1	342.0	8 545.1
Other staff costs	2 149.6	1 215.9	703.4	57.8	1 919.3	50.3	1 969.6
Non-staff compensation	7 584.6	7 209.9	(296.1)	(4.1)	6 913.8	32.3	6 946.1
Consultants and experts	45.0	47.3	—	—	47.3	1.3	48.6
Travel	126.8	105.9	—	—	105.9	2.7	108.6
Contractual services	490.9	456.8	450.4	98.5	907.2	23.6	930.8
General operating expenses	1 855.7	2 094.1	601.0	28.6	2 695.1	92.0	2 787.1
Hospitality	3.0	10.9	5.6	51.3	16.5	0.5	17.0
Supplies and materials	329.3	312.6	—	—	312.6	8.2	320.8
Furniture and equipment	196.7	442.3	(46.2)	(10.4)	396.1	7.2	403.3
Total	**21 370.8**	**19 985.9**	**1 531.0**	**7.6**	**21 516.9**	**560.1**	**22 077.0**

Table 5.3 **Post requirements**

Organizational unit: International Court of Justice

	Established posts		*Temporary posts*					
	Regular budget		*Regular budget*		*Extrabudgetary resources*		*Total*	
	1996-1997	*1998-1999*	*1996-1997*	*1998-1999*	*1996-1997*	*1998-1999*	*1996-1997*	*1998-1999*
Professional category and above								
ASG	1	1	—	—	—	—	1	1
D-2	1	1	—	—	—	—	1	1
D-1	1	1	—	—	—	—	1	1
P-5	3	3	—	—	—	—	3	3
P-4/3	13	13	—	—	—	—	13	13
P-2/1	3	3	—	—	—	—	3	3
Total	**22**	**22**	**—**	**—**	**—**	**—**	**22**	**22**
General Service category								
Principal level	6	6	—	—	—	—	6	6
Other levels	26	26	3	3	—	—	29	29
Total	**32**	**32**	**3**	**3**	**—**	**—**	**35**	**35**
Grand total	**54**	**54**	**3**	**3**	**—**	**—**	**57**	**57**

A. Members of the Court

Table 5.4 **Summary by object of expenditure**
(Thousands of United States dollars)

Object of expenditure	*1994-1995 expenditures*	*1996-1997 appropriations*	*Resource growth*		*Total before recosting*	*Recosting*	*1998-1999 estimates*
			Amount	*Percentage*			
Non-staff compensation	7 584.6	7 209.9	(296.1)	(4.1)	6 913.8	32.3	6 946.1
Travel	54.2	62.2	—	—	62.2	1.7	63.9
Total	**7 638.8**	**7 272.1**	**(296.1)**	**(4.0)**	**6 976.0**	**34.0**	**7 010.0**

5.8 Subsection A covers estimates relating to the statutory entitlements of the members of the Court. The conditions of service and compensation of members of the Court are due for a scheduled comprehensive review by the General Assembly at its fifty-third session, in accordance with section IV of Assembly resolution 50/216 of 23 December 1995. The estimates under this subsection are based on existing rates and are therefore provisional with respect to the common costs of judges and their salaries and allowances, pending related decisions of the Assembly. Resources proposed in these estimates are also expected to be supplemented, as the need arises, by commitments entered into under the provisions of the resolution on unforeseen and extraordinary expenses to be adopted by the Assembly. The proposals for the biennium 1998-1999 in that respect will be presented to the General Assembly at its fifty-second session.

Resource requirements (at current rates)

Non-staff compensation

5.9 Requirements estimated at $6,913,800 relating to salaries and allowances of judges and their common costs reflecting the net effect of reductions relating to one-time resources authorized for fees and travel costs of ad hoc judges ($111,300), travel to attend sessions of the Court ($106,000) and in the entitlements for education grant and travel of children of judges ($119,300), partially offset by increases to restore a reduction which had been applied in 1996-1997 for salary not paid in respect of a vacancy in the Court ($24,100), and in the pension entitlements of judges ($16,400) are as set out below.

(a) *Salaries and allowances of judges*

5.10 The requirements under this heading ($4,398,800) relating to salaries and allowances of judges, which are scheduled for comprehensive review by the General Assembly at its fifty-third session, would provide for the following:

(a) An annual salary of $145,000 per judge, as decided by the General Assembly in its resolution 45/250 A of 21 December 1990;

(b) An additional special allowance of $15,000 per annum for the President of the Court;

(c) An additional special allowance for the Vice-President of $94 for every day he acts as President, up to a maximum of $9,400 per year.

(b) *Common costs of judges*

(i) *Pensions for former judges*

5.11 As decided by the General Assembly in its resolution 45/250 B of 21 December 1990, the pension entitlement of a member of the Court who has served a full term of nine years should be $50,000 a year and the pension entitlement of a member of the Court who is re-elected should be increased by an additional $250 per month for each further month of service up to a maximum pension of $75,000 per year. The Assembly also decided that, with effect from 1 January 1991 and notwithstanding any provision to the contrary, the annual value of all pensions in course of payment as at 31 December 1990, including the pensions of any members of the Court who retired on or before that date, should be increased by 22 per cent. The Assembly decided further that the pension of the members of the Court should be subject to review whenever the annual salary of the members of the Court was reviewed. In that regard, in section IV of its resolution 50/216, the General Assembly approved the recommendation of the Advisory Committee on Administrative and Budgetary Questions in its report (A/50/7/Add.11, para. 14), by which it recommended that the Secretary-General re-examine the pension scheme of members of the Court, in a report that took full account of the request of the Committee that the various recommendations and options of the consulting actuary be analysed in the report of the Secretary-General. The requirements for pensions, currently estimated at $2,020,000, are therefore provisional and include an increase of $16,400 owing to the net effect of changes in the numbers of retired judges and widows of judges, and would provide for retired judges and widows of judges, in accordance with resolution 45/250 B.

(ii) *Other common costs*

5.12 Requirements for other common costs include:

(a) The travel expenses of three journeys for non-resident judges to attend sessions of the Court and one journey home every second year after the year of appointment for judges residing at the seat of the Court ($405,000), in accordance with the travel and subsistence regulations of the Court as approved by the General Assembly in its resolution 37/240 of 21 December 1982;

(b) In paragraphs 1 and 2 of its resolution 48/252 C of 26 May 1994, the General Assembly decided that, with effect from 1 January 1994, the cost of educating the children of the President and judges who had taken up primary residence at The Hague should be reimbursed up to a ceiling of $9,750 for each child, and up to a ceiling of $13,000, for each disabled child. The Advisory Committee on Administrative and Budgetary Questions, in paragraph 8 of its report (A/50/7/Add.11), agreed with the proposal of the Secretary-General that the increase in the level of the education grant (including

that for disabled children), approved by the Assembly in resolution 49/223 of 23 December 1994, be extended to members of the Court as from 1 January 1995. Accordingly, provision is made for the related travel of each child from the place of scholastic attendance, when outside the Netherlands, to The Hague ($90,000). These estimates are provisional, since, in accordance with resolution 48/252 C, the requirements for education grant and travel of children of judges will be reviewed, at the same time as the judges' emoluments, by the Assembly at its fifty-third session.

Travel

5.13 The estimated requirements under this heading ($62,200) would cover the travel and subsistence of the President of the Court to attend sessions of the General Assembly and travel and subsistence on other official business by members of the Court.

B. The Registry

Table 5.5 **Summary by object of expenditure**
(Thousands of United States dollars)

Object of expenditure	*1994-1995 expenditures*	*1996-1997 appropriations*	*Resource growth*		*Total before recosting*	*Recosting*	*1998-1999 estimates*
			Amount	*Percentage*			
Posts	8 589.2	8 090.2	112.9	1.3	8 203.1	342.0	8 545.1
Other staff costs	2 149.6	1 215.9	703.4	57.8	1 919.3	50.3	1 969.6
Consultants and experts	45.0	47.3	—	—	47.3	1.3	48.6
Travel	72.6	43.7	—	—	43.7	1.0	44.7
Hospitality	3.0	10.9	5.6	51.3	16.5	0.5	17.0
Total	**10 859.4**	**9 408.0**	**821.9**	**8.7**	**10 229.9**	**395.1**	**10 625.0**

5.14 The Registry of the Court, its administrative organ, consists of a Registrar and a Deputy Registrar who are elected for a term of seven years and may be re-elected. The Registrar is solely responsible for directing the work of all units of the Registry. Other officials of the Registry are appointed either by the Court on proposals submitted by the Registrar or by him with the President's approval. It provides legal, diplomatic and other technical support for the Court and is the regular channel for communications to and from the Court. It is also responsible for all administrative work, in particular for the Court's financial administration, accounting, archive and distribution services, and for document and library services.

Resource requirements (at current rates)

Posts

5.15 The estimated requirements ($8,203,100) would provide for continuing established posts (22 Professional category and above and 32 General Service (6 Principal and 26 Other level)), and three continuing General Service (Other level) temporary posts. The growth ($112,900) relates to the change from the actual 1996-1997 vacancy rates as they were applied, to standard vacancy rates assumed for purpose of these estimates.

Other staff costs

5.16 Other staff costs include provisions for:

(a) Temporary assistance for meetings ($1,627,100), which includes a resource growth of $703,400 to provide for the recruitment and travel of free-lance interpreters, translators and stenotypists required for pre- and in-session conference servicing of private meetings and public hearings of the Court. The growth relates in part to the continuing need to provide for the workload formerly carried by two P-4 temporary posts for translators. These were provided for in the Registry's 1994-1995 staffing table to translate legal and other documents, including judgements or advisory opinions, judges' written notes concerning cases, minutes of private meetings and verbatim records of public hearings, written

pleadings and annexes, etc., to provide interpretation at public hearings and private meetings of the Court and its committees and to prepare glossaries. A proposal to extend the two P-4 temporary posts was not approved for the biennium 1996-1997, which has caused the Registry to operate in the current biennium below par in meeting its translation requirements. Various measures such as redeployment of resources to meet the Court's translation needs have had to be implemented in the current biennium. It has therefore been proved that provision, however minimal, for meeting the Court's translation requirements should be made. The other part of the proposed increase, which is also considered minimal, on the basis of experience over recent years, would provide for required translators and interpreters for incidental proceedings, administrative and other meetings of the Court;

(b) General temporary assistance ($210,600) for secretaries, messengers, library assistants and telephone operators to supplement the regular staff and for maternity and sick-leave replacements;

(c) Overtime ($81,600) for secretarial assistance to judges and the regular staff of the Registry, during periods of peak workload.

Consultants and experts

5.17 The requirements of $47,300 would provide for expertise to instruct and train the Registry's staff in software application and available software and hardware, the maintenance and enhancement of the Court's computer system, automation of the Court's archives and follow-up after setup of its website.

Travel

5.18 A provision of $43,700 is proposed for travel to attend sessions of the General Assembly and for the Registry's staff on other official business of the Court.

General operating expenses

5.19 The provision of $16,500, relating to the hospitality requirements of the Court for visits by heads of State or Government and other officials of Governments and international organizations to the Court, for receptions for counsel in cases and other such official occasions includes a resource growth of $5,600, based on realized expenditure patterns.

C. Programme support

Table 5.6 **Summary by object of expenditure**
(Thousands of United States dollars)

Object of expenditure	*1994-1995 expenditures*	*1996-1997 appropriations*	*Resource growth*		*Total before recosting*	*Recosting*	*1998-1999 estimates*
			Amount	*Percentage*			
Contractual services	490.9	456.8	450.4	98.5	907.2	23.6	930.8
General operating expenses	1 855.7	2 094.1	601.0	28.6	2 695.1	92.0	2 787.1
Supplies and materials	329.3	312.6	—	—	312.6	8.2	320.8
Furniture and equipment	196.7	442.3	(46.2)	(10.4)	396.1	7.2	403.3
Total	**2 872.6**	**3 305.8**	**1 005.2**	**30.4**	**4 311.0**	**131.0**	**4 442.0**

5.20 The estimates under this subsection cover provisions relating to common service requirements of the International Court of Justice and its Registry, including in particular the contribution of the United Nations to the Carnegie Foundation for the use of the Peace Palace by the Court.

Resource requirements (at current rates)

Contractual services

5.21 The estimated requirements of $907,200 would provide for the following:

(a) The Court's printing programme ($583,700), which includes a resource growth of $280,800 to restore the provision to its initial 1996-1997 approved level, in consideration of the increasing backlog that would arise were adequate provision not to be made. The resources would cover the cost of publications, as provided for by the Statute and Rules of the Court, and would include three annual series: *Reports of Judgments, Advisory Opinions and Orders*, a *Bibliography* of works and documents relating to the Court and the *Yearbook* of the Court. The provision would also cover a booklet on the Court and documentation of each case, which is published by the Court, after the end of the proceedings, under the title *Pleadings, Oral Arguments, Documents, Comprising Texts, Maps and Charts*;

(b) Contractual external translation ($239,000), which includes a resource growth of $119,500 to reinstate initial 1996-1997 provisions, so as to prevent a backlog in the translation of the Court's documents. This would cover the employment of external contractual translators to undertake the translation of written pleadings for certain cases and declarations and opinions as may be appended to the judgments the Court will hand down.

(c) Data-processing services ($66,000) in respect of continued access to external databases ($18,500), the one-time cost of improving the security of the Court's records, and the conversion of records to optical-disc medium to reduce space necessary for file storage.

General operating expenses

5.22 The requirements of $2,695,100, which include a resource growth of $601,000, would cover:

(a) The contribution payable by the United Nations for its share of the general operating expenses of the facilities provided in the Peace Palace at The Hague for the Court ($2,178,500). This includes an increase of $485,800 related to the enlarged premises made available to the Court, 1 January 1997, for which partial (i.e., 1997) provision was made in 1996-1997. The additional accommodations became necessary because of the increasing number of cases brought before the Court, and the consequential need for accommodations for those judges whose terms have officially expired but who are maintained in office to complete cases, for ad hoc judges and extra support staff. A Supplementary Agreement with amendments to the Agreement between the Carnegie Foundation and the United Nations for the use of the premises by the Court, with respect to Article II which sets out the annual contribution payable by the United Nations to the Carnegie Foundation, and Article IV, which set out the accommodations at the Peace Palace made available to the Court, will be placed before the General Assembly for its approval. The Carnegie Foundation has requested that the contribution be increased by 2.5 per cent in each year of the biennium. In its resolution 50/214 of 23 December 1995, the Assembly accepted the proposals of the Advisory Committee on Administrative and Budgetary Questions, in its report (A/50/7/Add.11), that the provision for inflation be subject to review by the Committee and approval by it each time it is requested;

(b) Rental of photocopying equipment ($28,700);

(c) The costs of long-distance telephone calls, postage, pouches, cables and telex, fax communications and electronic mail ($218,500);

(d) Maintenance of the Court's office automation equipment, vehicles and other office equipment ($243,500), which includes a resource growth of $110,000 mainly for maintenance with respect to the new reproduction machine purchased in 1996-1997 and acquisition of equipment proposed below;

(e) Automobile insurance of the Court's two official cars and other miscellaneous services provided to the Court ($25,900).

Supplies and materials

5.23 The estimates of $312,600 would provide for library books and supplies, stationery, paper for internal reproduction, offset supplies and other miscellaneous supplies.

Equipment

5.24 The requirements of $396,100 include a negative resource growth of $46,200 relating to the lapsing of one-time provisions in the biennium 1996-1997 for equipment purchase. The following would be covered: (a) replacement of the Court's two official car ($76,000); (b) additional equipment for enhancement of reproduction equipment ($29,200); and (c) requirements for the Court's programme of acquisition of office automation equipment, including an accounting system ($15,600), a document information and archiving system postponed from the biennium 1996-1997 ($45,000), network storage upgrade ($21,600), indexing software ($12,500), repeaters, CD-ROM writers and other software ($16,200) and additional storage and memory capacity for servers ($13,400). The balance of $166,600 would cover installation of sound equipment in the Main Hall of Justice ($31,000) and replacement of its office automation equipment ($135,600).